

ELECTION ADMINISTRATION SUBGROUP
VOTE INDIANA TEAM
MARCH 14, 2003
MEETING NOTES

Subgroup members present: Jody Veldkamp (proxy for Christa Adkins), Tami Barreto, Pam Finlayson, Mike Kiefer, Zach Main, Regina Moore, Kristi Robertson, Todd Rokita, Joe Ryan and Joe Slash. Facilitator: Sarah Taylor

Other Team members present: Dee Ann Hart, Laura Herzog and Martha Padish. Other facilitator: Anita Kolkmeier

Others present: Jody Courtney, Milo Gray (Indiana Protection and Advocacy), Mike and Edelle Rothrock (Count Us In) and Julia Vaughn (Count Us In)

No additions or corrections to the meeting notes from March 7, 2003.

First on the agenda was a review of the status quo for Election Administration bullet points 14, 15 and 16 from the Task Lists for Subgroups document.

Kristi Robertson, Indiana Election Division (IED), explained Help America Vote Act of 2002 (HAVA) requires a first time registrant by mail in your county to provide identification. It also requires that a voter provide their Driver's License number or the last 4 digits of their social security number. Pam Finlayson handed out two documents concerning these HAVA requirements and a National Voter Registration Act (NVRA) registration tracking form from Allen County.

Concern was expressed again at this meeting about these voters showing up at the polls and feeling singled out when asked by pollworkers for identification. Pollworkers could also be confused by this change. Kristi said that it was discussed at both Clerks' district meetings this week (March 11th and 13th). Some clerks shared their thoughts about changes necessary to their individual county's poll list and voter registration software to meet these requirements. Secretary Rokita said those concerns would be addressed by the implementation of the statewide voter file required by January 1, 2006. Todd suggested county clerks should attempt to collect the ID information this year before those voters turnout at the polls in the 2004 Presidential election. This would ease them into the process. He also suggested that the Indiana Election Commission (IEC) consider a standard notice form to help Clerks acclimate to this change. Kristi recalled that some states have an affidavit back up in case a voter's ID is unavailable. There is also a laundry list of types of ID that may be used including a utility bill or bank statement.

Under bullet point 15, Kristi explained that a single **state** office must provide absentee voting and voter registration information to overseas/military voters according to HAVA. HAVA recommends that same state office process the registrations and absentee ballots

for this group. She said currently Indiana allocates these types of responsibilities to the individual county election boards. The IED is not currently equipped or prepared to handle this additional recommendation.

Colonel Ryan received a document about the Department of Defense's (DOD) legislative initiatives, which includes suggestions that 2nd generation overseas United States citizens receive an opportunity to vote in our federal elections. Many of these prospective voters would not have a home precinct to associate with so where should election officials place them. He believes 8 states currently have arrangements to handle this scenario. **Col. Ryan will do some research on those states' practices for the next meeting.**

Bullet point 16 discusses that form revisions will be necessary for Indiana to adapt to HAVA practices. Kristi says grandfathering of old forms will not be allowed. In some instances, legislative changes will also be required. There will be substantive changes to forms. Full service voter registration offices may also need software changes. Currently, the Bureau of Motor Vehicles (BMV) is undergoing the acquisition of a new computer system that does not conceive of HAVA changes.

Next on the agenda was the distribution of materials requested at the last meeting. Sarah Taylor shared Iowa's one page summary of the Help America Vote College Program. Kristi distributed Indiana's new Voter's Bill of Rights along with HAVA's Bill of Rights requirements.

Under old business, bullet point 4 pertaining to the HAVA grievance process was discussed. Secretary Rokita reiterated his points from last meeting that a back end process is needed to handle grievances properly. Currently, a voter will call the Secretary of State (SOS) or the IED with a concern or allegation and the only avenue is to direct the voter back to the county election administrator or the local prosecutor. He is suggesting that the grievance process dovetail with HAVA's requirement for a toll free number. Todd believes Indiana's SOS or IED need investigative and enforcement authority to make the process complete and satisfactory to the voter. He says grievances need to be received, screened and resolved or referred in a formal manner with a degree of authority.

Kristi refreshed members' memories concerning the NVRA grievance process. The IED has limited investigative powers. The IEC has civil enforcement powers and criminal issues are directed to the Attorney General.

Pam suggested complaints be received in writing for the purpose of formal communications. Zach Main is concerned that too formal of a process will discourage valid complaints from being filed due to possible local repercussions. Mike Kiefer reminded members that the National Association Secretaries of State HAVA primer specifies a complaint be filed in writing. Upon request of the complainer, there must be a hearing on the record. **Secretary Rokita will provide a written grievance proposal for members to review at the next meeting.**

Provisional balloting was discussed next. Kristi reviewed current Indiana statute on this subject. One major difference between Indiana's law and HAVA, is the requirement that there be a free access system for a voter to find out if their vote counted and if not, why not. Following up with a mailing has many drawbacks including mailing and printing costs for local government and it's impractical way of communicating to voters with visual impairments. Jody Veldkamp questioned whether or not if follow up could only be to individuals whose ballot did not count. Pam shared her concerns that election administrators have enough information and resources to determine that a provisional voter did not vote in their "old" precinct in person nor by absentee. Discussion was held on how much of the ballot should be counted if an unqualified voter of the precinct casts a provisional ballot for a precinct other than his or her own. Kristi and Pam said some states allow only a portion of the ballot to count. Regina Moore and Zach both emphasized that in their opinion voters do have a responsibility to vote in the correct precinct. Mike questioned the HAVA wording "in your jurisdiction." **Sarah will prepare a provisional ballot process document for the members' review at the next meeting.**

Next meeting's agenda will include reviewing proposals on provisional balloting, grievance process and first time mail in registrants. Todd reported to members that no legislative history was available on first time mail in registrants and the confusion over forms used that are hand delivered. **An inquiry will be made to the Department of Justice as to whether the DOJ plans on giving a formal opinion or interpretation. Kristi will bring up the discussion on tracking numbers and the possible need for a new number on the form.**

Vote Indiana Team member comment: Laura Herzog shared her concerns that the provisional ballot process not become an opportunity for voters to stop at any poll on their way home to cast a ballot.

Public comment: Julia Vaughn, Count Us In, stressed the need for educating the voters about the voter ID requirements with the mail in forms for first timers. Her organization strongly opposes all voters being required to show ID at the polls. There is not strong enough evidence of fraud for them to be supportive of this concept. She suggested that the grievance process be easy to understand and easy to access.

Mike Rothrock, Count Us In, is concerned that there be a requirement on the maintenance of effort by counties to continue the current level of spending even though federal funding is received. He also suggested that when implementing the toll free phone system that a TDD is in place for the hearing impaired. Kristi commented that the state is currently required to use TDD technology.

Milo Gray, Indiana Protection and Advocacy Services, had questions concerning the automatic purging of voters. Kristi explained that NVRA changed Indiana's statute on purging for non-activity. There is currently a follow up procedure required under NVRA. Mr. Gray also suggested that the toll free number and any web access be accessible to voters with impairments. Secretary Rokita asked for specific examples on how to comply

with that request. Sarah recalled she had attended a seminar with Julia Vaughn hosted by the Family Social Services Agency on how to make campaigns more accessible. **Sarah will provide a review of her information received on how to make your website more accessible.**

The next meeting will be March 28, 2003.